

# ADMINISTRATIVE RECORD

SF FILE NUMBER

1170506

1262290 - R8 SDMS

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

WITH ATTACHMENTS  
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## MEMORANDUM

SUBJECT: Potentially Responsible Party Participation  
Remedial Investigations and Feasibility Stud

FROM: Gene A. Lucero, Director  
Office of Waste Programs Enforcement

TO: Addressees

Prior to passage of the Superfund Amendments and Reauthorization Act (SARA), a draft of Chapter 10 of the Superfund Feasibility Study Guidance entitled "Potentially Responsible Party Participation in Remedial Investigations and Feasibility Studies" (RI/FS) was distributed for comment to Headquarters and Regional personnel. The Chapter describes current EPA policies with regard to the participation of Potentially Responsible Parties (PRPs) in RI/FS activities unique from an enforcement perspective. The Chapter, as written, identifies the general procedures that should be followed by Remedial Project Managers (RPMs) and PRPs to properly initiate, control and monitor the conduct of a PRP RI/FS. The earlier draft of Chapter 10 received concurrence from OERR, OECM, OGC, and OPA.

Attached is an interim final copy of Chapter 10 of the Superfund Feasibility Study Guidance which has been revised to reflect changes resulting from the passage of SARA. The revised Chapter does not reflect substantive changes that may become incorporated into the RI/FS process or changes in the selection of remedy criteria. These issues are being addressed through on-going workgroup efforts and will be followed by detailed guidance.

The changes made to Chapter 10 are minor and include the §104(a) requirement for qualified third party oversight of the PRP RI/FS and the §122 settlement provisions relating to special notices, invocation of the moratoria provisions, and covenants not to sue. These changes are underlined for your convenience and incorporate SARA revisions contained in the transition guidance, "Implementation Strategy for Reauthorized Superfund: Short Term Priorities for Action" (October 24, 1986). On-going RI/FS activities being conducted by PRPs should be reviewed to assure that alternatives evaluated include those that comply with §121 of SARA. This review will be similar to the evaluation that will be conducted for on-going fund-financed RI/FSs. Sections of

Administrative Orders on Consent or Consent Decrees may need to be revised to reflect that the final remedy must meet the requirements of §121. A letter should be sent to the PRPs informing them of the new provisions and providing them with an opportunity to discuss the changes to the Administrative Order or Consent Decree.

As noted above, these changes do not change the substance of the Chapter dramatically. As a result, we would appreciate receiving your expedited concurrence of the revised draft of Chapter 10 by January 9, 1987 so that we may begin distribution to the Regions as quickly as possible. We have briefed Dr. Porter on the revised chapter and have received his permission to begin the concurrence process.

Anyone having further comments or questions concerning Chapter 10 should feel free to contact Bob Mason (FTS 382-4015) or Curt Overcast (FTS 382-7739). Thank you for your cooperation.

Attachment

Addressees:

Henry Longest, OERR  
Ed Reich, OECM  
Dan Berry, OGC  
Richard Morgenstern, OPA

cc: Tim Fields, OERR  
Paul Nadeau, OERR  
Russ Wyer, OERR  
Steve Smith, OERR  
Don White, OERR  
Steve Lingle, OERR  
Joan LaRock, OSWER  
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Mike Kilpatrick, OWPE  
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CHAPTER 10  
POTENTIALLY RESPONSIBLE PARTY PARTICIPATION  
IN  
REMEDIAL INVESTIGATIONS AND FEASIBILITY STUDIES

U.S. ENVIRONMENTAL PROTECTION AGENCY  
Office of Waste Programs Enforcement  
Washington, D.C. 20460

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